

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Priority \_\_\_\_\_  
Send \_\_\_\_\_  
Enter \_\_\_\_\_  
Closed \_\_\_\_\_  
JS-5/JS-6 \_\_\_\_\_  
Scan Only \_\_\_\_\_

**CIVIL MINUTES - GENERAL**

JS - 6

**CASE NO.:** SACV 13-01405 SJO (AGRx)      **DATE:** July 30, 2014

**TITLE:**      The Tawnsaura Group, LLC v. Progenex, Inc.

=====

**PRESENT: THE HONORABLE S. JAMES OTERO, UNITED STATES DISTRICT JUDGE**

Victor Cruz  
Courtroom Clerk

Not Present  
Court Reporter

**COUNSEL PRESENT FOR PLAINTIFF:**

**COUNSEL PRESENT FOR DEFENDANTS:**

Not Present

Not Present

=====

**PROCEEDINGS (in chambers): FINAL JUDGMENT**

On September 19, 2013, the Court issued an Order staying this and other related cases filed after January 2013 in *The Tawnsaura Group, LLC v. Maximum Human Performance, LLC*, No. CV 12-07189 SJO ("Coordinated Action"). (Coordinated Action, Order Staying Related Cases Filed After Jan. 2013, ECF No. 191.)

On December 3, 2013, certain Defendants in the Coordinated Action filed a Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure 56 on the grounds that claims of the patents at issue are invalid ("Motion for Summary Judgment"). (Coordinated Action, Defs.' Mot. Summ. J., ECF No. 224.) The Court heard the Motion for Summary Judgment on June 13, 2014. On July 14, 2014, the Court issued an Order granting Defendants' Motion for Summary Judgment. (Coordinated Action, Order Granting Defs.' Mot. for Summ. J., ECF No. 281.) On July 17, 2014, the Court issued Final Judgments in the cases not subject to the stay. (Coordinated Action, Final J., ECF No. 285.) On July 18, 2014, the Court issued an Order in the stayed cases, informing the parties that the stay would be lifted and final judgment would be entered consistent with the Final Judgments in the cases not subject to the stay. (Notice of Impending Lifting of Stay and Entry of Final J., ECF No. 11.) No objections or other comments were filed by the parties.

In view of the Court's June 13, 2014 findings on the record and July 14, 2014 Order, it is hereby ORDERED and ADJUDGED that:

1. The stay issued in this case is lifted.
2. Claims 1, 2, 15, 16, 18, and 19 of United States Patent No. 6,028,107 are declared invalid for lack of novelty under 35 U.S.C. § 102.
3. Claims 1, 2, 20, 21, 26, 27, 28, and 29 of United States Patent No. 5,874,471 are declared invalid as obvious under 35 U.S.C. § 103.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**CIVIL MINUTES - GENERAL**

JS - 6

**CASE NO.: SACV 13-01405 SJO (AGRx)**

**DATE: July 30, 2014**

---

4. United States Patent Nos. 6,028,107 and 5,874,471 are declared invalid in their entirety for failure to satisfy 35 U.S.C. §§ 101 and 112.

5. Judgment is entered in this case.

IT IS SO ADJUDGED.